

From: jwt
To: Microsoft ATR
Date: 11/19/01 12:13pm
Subject: DOJ & Microsoft settlement agreement

Department of Justice,

I would like to comment on the proposed Microsoft and DOJ anti-trust settlement agreement.

In general I do not believe the agreement adequate to solve past, or likely future, abuses by Microsoft.

Specifically, I believe the dominance of the Windows operating system allows Microsoft to leverage pricing structure and pricing plans to the detriment of business and personal consumers. With regard to the OS Microsoft has also made it virtually impossible for third party developers to make true competition possible through refusal to release all OS code, such as all APIs, which would allow third parties to compete on a level playing field. New pricing also works to the serious detriment of small business and non-profit corporations whose present investment in hardware and software make alternate selection of an operating system impractical and forces them to pay prices for OS software that is excessive when compared with previous purchases.

More significantly, the ability of Microsoft to leverage its operating system and applications software is so widely known and so seriously abused that the present agreement is at best a joke and not taken as a serious remedy by any user. The original basis for action, the Netscape browser, has been followed by a multitude of similar examples including, but not limited to, the email client, music and audio software, instant messenger software, and others. Java, a common Internet protocol from Sun Microsystems, Quick Time from Apple Computer, and Real Player from Real Audio, are examples, under the current operating system, which have been made more difficult to implement.

In the current OS "minor" issues like the constant nagging of the user who fails to sign up for a "Passport Account" under Windows XP (personal and professional) is a clear example of a marketing advantage on the Internet not available to any other vendor of an operating system. The hassle just to get rid of the undesired Microsoft applications software or getting third party software to function in its place is another example of monopolistic abuses exercised in the XP OS by Microsoft.

I am a consumer of business and personal operating system and applications software and have no affiliation with any computer

industry entity. I had hoped that the Federal government, through the Department of Justice, would serve as my last bastion of defense via the anti-trust laws of our great nation in protecting my rights. I have been most disappointed.

This is not a business versus consumer issue in the usual sense. It is an abuse of monopolistic powers in one of the most flagrant cases of the behavior of monopolies in U.S. history. The issue is not that of "pro-business" or "pro-consumer." The issue ultimately, if not resolved in accordance with U.S. anti-monopoly statutes, could well undermine the technology capabilities of the U.S. by undermining the free and open competition in all areas of business and commerce which has made our country great. Without fair and free competition our country cannot continue to prosper.

Finally, the proposed settlement works to the disadvantage of all "consumers," from large corporations to university research science departments, from small business to individual consumers.

The proposed settlement is a travesty of anything resembling "justice" in this case.

Submitted for your consideration by

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(home address and telephone number furnished upon request)

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